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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JEFFERY MARTIN SIERZEGA,

Plaintiff,

Civil No. 05-1338-HU

v.

ORDER

PRO TEM JUDGE LYNN E. ASHCROFT,  
JUDGE JOSEPH C. GUIMOND, JUDGE  
ALBIN W. NORBLAD, et. al.,

Defendants.

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HAGGERTY, Chief Judge:

Magistrate Judge Hubel issued a Findings and Recommendation [168] in this action, recommending that defendants' motions to dismiss pursuant to Federal Rule of Civil Procedure 37(b) be granted. Plaintiff filed objections to the Findings and Recommendation. On December

7, 2006, the matter was referred to this court. The Findings and Recommendation provided a thorough and complete analysis of the facts, and this analysis need not be repeated here.

On December 6, 2006, plaintiff filed Amended Objections to Findings and Recommendation. Defendants responded to the amended objections, and plaintiff filed a motion for leave to file replies to defendants' responses. These additional filings are denied as untimely, although the court has reviewed these filings and also finds them without merit.

When a party objects to any portion of a Findings and Recommendation, the district court must conduct a *de novo* review of that Findings and Recommendation. 28 U.S.C. § 636(b)(1)(B); *McDonnell Douglas Corp. v. Commodore Bus. Mach. Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). This court has thoroughly reviewed plaintiff's objections and finds them without merit.

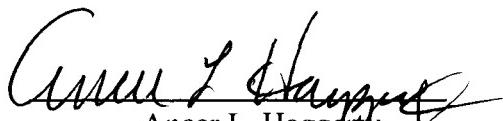
The court has given the file of this case a *de novo* review, and has also carefully evaluated the Findings and Recommendation, the objections, and the entire Record. The Magistrate Judge's reasoning and recommendations are sound, correct, and entitled to adoption.

### **CONCLUSION**

This court adopts the Findings and Recommendation [168]. Accordingly, defendants' motions to dismiss [114] [120] [121] [127] are granted and this case is DISMISSED with prejudice.

IT IS SO ORDERED.

Dated this 27 day of February, 2007.



Ancer L. Haggerty  
United States District Judge